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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,344	10/19/2000	Bruce Leroy Beukema	AUS9-2000-0627-US1	6907

7590

12/31/2003

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EXAMINER
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BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/692,344

Applicant(s)

BEUKEMA ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The formal drawings were received on January 16, 2001.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3-9, 12-17 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (4951225).**

Regarding claims 1, 9, and 17, Lee discloses a method for modifying a network without tearing down existing connections (Column 3, lines 64 – 68; Column 5, lines 50 - 53), comprising: placing a send queue that is to be affected by a modification to the network into a suspended state (Column 4, lines 5 – 8; Column 6, lines 32 – 35); applying the modification to the network (Column 4, lines 13 – 17; lines 20 – 21); and placing the send queue back into an operational state after applying the modification to the network (Column 12, lines 15 – 17; Column 13, lines 16 - 19).

Regarding claims 6, 14, and 22, Lee discloses that placing the send queue into a suspended state includes using a PathRecord SubnAdmReport general management packet to request suspension of messages on a queue pair over an existing path in the network (Column 7, lines 6 – 10).

Regarding claims 7, 15, and 23, Lee discloses that placing the send queue back into an operational state after applying the modification to the network includes identifying the send queue based on a Path Record Modification ID included in the PathRecord SubnAdmReport general management packet (Column 7, lines 21 – 29; Column 9, lines 63 – 66).

Regarding claims 8, 16, and 24, Lee discloses receiving a PathRecord SubnAdmReportResp general management packet in response to the PathRecord SubnAdmReport general management packet indicating that the modification to the network has been applied, wherein the send queue is placed back into an operation state in response to receiving the PathRecord SubnAdmReportResp general management packet (Column 12, lines 15 – 17; Column 13, lines 16 - 19).

Regarding claims 5, 13, and 21 Lee discloses that sending a notification to a subnet manager that the send queue has been placed in a suspended state, wherein the modification to the network is applied in response to sending the notification (Column 12, line 57 – Column 13, line 5).

Regarding claims 4, 12, and 20, Lee discloses that placing the send queue into a suspended state includes stopping processing of messages in the send queue at a message boundary (Column 6, lines 45 – 48).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-3, 10-11, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee.**

Regarding claims 2-3, 10-11, and 18-19, Lee discloses that requests can be made to the send queues (Column 6, lines 45 – 48), and that some of the requests are processed normally (Column 4, lines 12 – 17) while some are not processed (Column 6, lines 45 – 52). Lee does not explicitly indicate that incoming messages to the queue pair of the send queue are processed normally, and work requests submitted to the send queue are queued and are not processed, thus making the suspended queue in a drain state. Lee teaches that some conditions in the network, such as modifications to network nodes may result in invalid and unexpected results if the network processes tokens or packets while needing to be updating, or in the middle of updating. (Column 1, lines 39 – 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Lee's teachings of the avoidance of invalid results of running a network while a network node update is in process, the idea of updating a network without having to reinitialize all the nodes, and to suspend the nodes while updating is occurring allow for the idea of selectively allowing the packets or tokens that will update the network node to get to the node while blocking the normal network traffic that might be distorted due to the fact that some nodes have been updated and some of not, thus a queue drain state (Column 1, lines 39 – 49; Column 4, lines 13 – 17; Column 6, lines 45 - 52).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5402416 issued to Cieslak.

U. S. Patent No. 5513368 issued to Garcia.

U. S. Patent No. 6222822 issued to Gerardin.

U. S. Patent No. 6032191 issued to Chowdhury.

U. S. Patent No. 6269396 issued to Shah.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

KB  
December 23, 2003

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**